

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 DONALD E. JACKSON,

4 Plaintiff(s),

5 v.

6 WILLIAM HUTCHINGS, *et al.*,

7 Defendant(s).

Case No. 2:21-cv-01788-GMN-NJK

ORDER

9 This action began with a pro se civil rights complaint filed pursuant to 42 U.S.C. § 1983
 10 by a state prisoner. Plaintiff has submitted an application to proceed *in forma pauperis*. (Docket
 11 No. 1). Based on the financial information provided, the Court finds that Plaintiff is unable to
 12 prepay the full filing fee in this matter.

13 The Court entered a screening order on March 16, 2022. (Docket No. 4). The screening
 14 order imposed a 90-day stay, and the Court entered a subsequent order in which the parties were
 15 assigned to mediation by a court-appointed mediator. (Docket Nos. 4, 10). A mediation session
 16 was held on July 1, 2022, and a settlement was not reached. (Docket No. 13).

17 For the foregoing reasons, **IT IS ORDERED** that:

18 1. Plaintiff's application to proceed *in forma pauperis* (Docket No. 1) is **GRANTED**.
 19 Plaintiff shall not be required to pay an initial installment of the filing fee. In the event that this
 20 action is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. § 1915(b)(2).

21 2. The movant herein is permitted to maintain this action to conclusion without the
 22 necessity of prepayment of any additional fees or costs or the giving of security therefor.

23 3. Pursuant to 28 U.S.C. § 1915, as amended by the Prison Litigation Reform Act, the
 24 Nevada Department of Corrections will forward payments from the account of **Donald E.**
Jackson, #1113011 to the Clerk of the United States District Court, District of Nevada, 20% of
 25 the preceding month's deposits (in months that the account exceeds \$10.00) until the full \$350
 26 filing fee has been paid for this action. The Clerk of the Court will send a copy of this order to the
 27 Finance Division of the Clerk's Office. The Clerk will send a copy of this order to the attention
 28

1 of **Chief of Inmate Services for the Nevada Department of Corrections**, P.O. Box 7011, Carson
2 City, NV 89702.

3 4. The Clerk of the Court must electronically **SERVE** a copy of this order and a copy
4 of Plaintiff's complaint (Docket No. 5) on the Office of the Attorney General of the State of
5 Nevada by adding the Attorney General of the State of Nevada to the docket sheet. This does not
6 indicate acceptance of service.

7 5. Service must be perfected by October 4, 2022. *See Fed. R. Civ. P. 4(m).*

8 6. Subject to the findings of the screening order (Docket No. 4), the Attorney
9 General's Office shall file, no later than July 27, 2022, a notice advising the Court and Plaintiff of:
10 (a) the names of the defendants for whom it accepts service; (b) the names of the defendants for
11 whom it does not accept service, and (c) the names of the defendants for whom it is filing the last-
12 known-address information under seal. As to any of the named defendants for whom the Attorney
13 General's Office cannot accept service, the Office shall file, under seal, but shall not serve the
14 inmate Plaintiff the last known address(es) of those defendant(s) for whom it has such information.
15 If the last known address of the defendant(s) is a post office box, the Attorney General's Office
16 shall attempt to obtain and provide the last known physical address(es).

17 7. If service cannot be accepted for any of the named defendant(s), Plaintiff shall file
18 a motion identifying the unserved defendant(s), requesting issuance of a summons, and specifying
19 a full name and address for the defendant(s). For the defendant(s) as to which the Attorney General
20 has not provided last-known-address information, Plaintiff shall provide the full name and address
21 for the defendant(s).

22 8. If the Attorney General accepts service of process for any named defendant(s), such
23 defendant(s) shall file and serve an answer or other response to the complaint (Docket No. 5) by
24 September 6, 2022.

25 9. Plaintiff shall serve upon defendant(s) or, if an appearance has been entered by
26 counsel, upon their attorney(s), a copy of every pleading, motion or other document submitted for
27 consideration by the Court. If Plaintiff electronically files a document with the Court's electronic-
28 filing system, no certificate of service is required. Fed. R. Civ. P. 5(d)(1)(B); L.R. IC 4-1(b); L.R.

1 5-1. However, if Plaintiff mails the document to the Court, Plaintiff shall include with the original
2 document submitted for filing a certificate stating the date that a true and correct copy of the
3 document was mailed to the defendants or counsel for the defendants. If counsel has entered a
4 notice of appearance, Plaintiff shall direct service to the individual attorney named in the notice of
5 appearance, at the physical or electronic address stated therein. The Court may disregard any
6 document received by a district judge or magistrate judge which has not been filed with the Clerk,
7 and any document received by a district judge, magistrate judge, or the Clerk which fails to include
8 a certificate showing proper service when required.

10. This case is no longer stayed.

IT IS SO ORDERED.

DATED: July 6, 2022


Nancy J. Koppe
United States Magistrate Judge